

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, OCTOBER 4, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, October 4, 2004, with President Boyd presiding.

Councillor Oliver introduced Reverend Donald Hudson, pastor of the Mt. Olive Missionary Baptist Church, who led the opening prayer. Councillor Oliver then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
2 ABSENT: Conley, Plowman

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Talley introduced citizen and friend Olive Thomas. Councillor Abdullah recognized friend Reverend Mel Jackson. Councillor Gibson recognized Indianapolis Police Department Officers Purnell, Kendall and Abbott. Councillor Cain introduced Allie Shites who has a project in her district, and Jeff Sparks, president of the Heartland Film Festival. Councillor Randolph recognized Pike Township advisory board president Mike Klein. Councillor Pfisterer recognized Indianapolis Fire Department Chief James Greeson. Councillor Bradford recognized the Vietnamese-American community in Indianapolis. Councillor Oliver introduced members of the Mt. Olive Church Brotherhood.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 4, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Rozelle Boyd
President, City-County Council

August 26, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, August 30, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 486-488, 492, and 494-504, 2004, said hearing to be held on Monday, September 13, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

September 22, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2004 - adopts the annual budget of the Police Special Service District for 2005 appropriating \$135,264,924 and levying property taxes to fund such budget

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2004 - adopts the annual budget for the Fire Special Service District for 2005 appropriating \$92,569,911 and levying property taxes to fund such budget

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2004 - adopts the annual budget for the Solid Waste Collection Special Service District for 2005 appropriating \$29,137,061 and levying property taxes to fund such budget

FISCAL ORDINANCE NO. 131, 2004 - appropriates the proceeds of the General Obligation Pension Bonds

FISCAL ORDINANCE NO. 132, 2004 - adopts the annual budget for 2005 for the Consolidated City appropriating \$246,853,330

FISCAL ORDINANCE NO. 133, 2004 - appropriates \$38,734,141 for the necessary payments for city sinking funds for 2005

FISCAL ORDINANCE NO. 134, 2004 - appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2005 totaling \$70,882,649

FISCAL ORDINANCE NO. 135, 2004 - adopts the annual budget for the Metropolitan Emergency Communications Agency for 2005 appropriating \$4,959,443

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FISCAL ORDINANCE NO. 136, 2004 - adopts the annual budget and levies for the Marion County Office of the State Department Family and Children for 2005 appropriating \$66,308,546 and levying property taxes to fund such expenditures

FISCAL ORDINANCE NO. 137, 2004 - adopts the annual budget for 2005 for certain constitutional officers, administrative offices and agencies of Marion County appropriating \$72,882,700

FISCAL ORDINANCE NO. 138, 2004 - adopts the annual budget for 2005 for certain Marion County law enforcement and correction agencies appropriating \$101,118,130

FISCAL ORDINANCE NO. 139, 2004 - adopts the annual budget for 2005 for certain judicial agencies of Marion County appropriating \$71,643,359

FISCAL ORDINANCE NO. 142, 2004 - authorizes the payment of certain dues for the city and county offices and agencies

FISCAL ORDINANCE NO. 153, 2004 - approves an increase of \$29,626 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 03/04 to FY 04/05 from a grant funded by the Department of Corrections to assist with the cost associated with starting a Re-entry Court

SPECIAL ORDINANCE NO. 7, 2004 - authorizes the issuance and sale of bonds of the City of Indianapolis for the purpose of providing funds to be used to pay the City's pension obligations and incidental expenses in connection therewith and on account of the issuance of the bonds

SPECIAL ORDINANCE NO. 8, 2004 - authorizes loans from the Sanitary Liquid Waste Fund to the Police General Fund and to the Fire General Fund

SPECIAL ORDINANCE NO. 9, 2004 - a final resolution in an amount not to exceed \$10,000,000, which consists of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (to be renamed Cambridge Station Apartments) located at 7801 West 10th Street (District 13)

GENERAL ORDINANCE NO. 86, 2004 - amends the Revised Code with respect to various fees paid to the Marion County Sheriff's Department

GENERAL ORDINANCE NO. 87, 2004 - establishes new license and registration fees, increases some current fees, and increases the civil penalties for certain parking violations

GENERAL ORDINANCE NO. 88, 2004 - amends portions of the Sign Regulations to delete provisions pertaining to political signs and to amend provisions pertaining to noncommercial opinion signs

GENERAL ORDINANCE NO. 89, 2004 - establishes new fees for certain inspections performed by the Department of Metropolitan Development

GENERAL ORDINANCE NO. 90, 2004 - authorizes intersection controls for the Fox Ridge subdivision (District 23)

GENERAL ORDINANCE NO. 91, 2004 - authorizes a multi-way stop at the intersection of Straw Hat Drive and Wagon Wheel Trail (District 25)

GENERAL ORDINANCE NO. 92, 2004 - authorizes parking restrictions on Indianola Avenue south of Indianola Court (District 9)

GENERAL ORDINANCE NO. 93, 2004 - authorizes a change in parking restrictions on St. Clair Street from Paca Street to Dr. Martin Luther King Jr. Street (District 15)

GENERAL ORDINANCE NO. 94, 2004 - authorizes the removal of parking restrictions on Park Avenue between Michigan Street and North Street (District 9, 15)

GENERAL ORDINANCE NO. 95, 2004 - authorizes an increase in the speed limit on 56th Street from Emerson Way to Carroll Road (District 4, 11, 12)

SPECIAL RESOLUTION NO. 34, 2004 - recognizes the life and contributions of Reverend Charles Williams

SPECIAL RESOLUTION NO. 35, 2004 - recognizes Kids Day America/International on September 18, 2004

SPECIAL RESOLUTION NO. 36, 2004 - declares the Welfare Sinking Fund dormant and transfers the unused and unencumbered balance to the County General Fund

And on September 27, 2004, I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 140, 2004 - allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds

FISCAL ORDINANCE NO. 141, 2004 - determines the tax levy for 2005 for each fund of the Consolidated City and Marion County

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Langsford said that in the event there are individuals in the audience to hear Proposal No. 562, 2004, she would like to move it up on the agenda in order to offer a motion to postpone public hearing on the rezoning issue until the next meeting. Consent was given.

PROPOSAL NO. 562, 2004. The proposal, sponsored by Councillor Talley, is a rezoning ordinance for Warren Township, Councilmanic District 21, 10601 East 10th Street (approximate address) (2004-ZON-062).

Councillor Langsford made the following motion:

I move that the public hearing on Proposal No. 562, 2004 (Rezoning Docket No. 2004-ZON-062) which was scheduled at this meeting be postponed and rescheduled for October 25, 2004.

Councillor Talley seconded the motion, and Proposal No. 562, 2004 was postponed by a unanimous voice vote.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of September 13, 2004. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 594, 2004. The proposal, sponsored by Councillors Langsford, Borst and Boyd, recognizes the 150th Anniversary of the YMCA of Greater Indianapolis. Councillor Borst read the proposal and presented copies of the document and Council pins to representatives. David Pease, YMCA director, thanked the Council on behalf of the YMCA. Councillor Borst moved, seconded by Councillor Langsford, for adoption. Proposal No. 594, 2004 was adopted by a unanimous voice vote.

Proposal No. 594, 2004 was retitled SPECIAL RESOLUTION NO. 37, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2004

A SPECIAL RESOLUTION recognizing the 150th Anniversary of the YMCA of Greater Indianapolis.

WHEREAS, the Young Men's Christian Association was founded in London, England in 1844 by George Williams, coming first to the United States in 1851 through Boston, Massachusetts; and

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WHEREAS, YMCAs are for people of all faiths, races, ages, abilities, and incomes and strive to “put Christian principles into practice through programs that enhance personal growth and improve health of spirit, mind and body for all;” and

WHEREAS, collectively, YMCAs are the largest not-for-profit community service organization in the United States; and

WHEREAS, organizations that drew on YMCA experience or assistance during their formative years include the Camp Fire Boys and Girls, Boy Scouts of America, Toastmasters International, and Gideons International; and

WHEREAS, while it is not a widely known fact, staff members and instructors at various YMCAs are credited over the years with the invention of the popular sports known today as volleyball, racquetball, and basketball; and

WHEREAS, the YMCA of Greater Indianapolis was founded in 1854 to assist young men flocking to the city for new factory jobs, with their first meeting being held in the basement of the Second Presbyterian Church, then located on Monument Circle; and

WHEREAS, the YMCA of Greater Indianapolis was among the first 50 YMCAs chartered in North America and will celebrate their 150th Anniversary with a celebration dinner on Tuesday, October 19, 2004 at the Indiana Roof Ballroom in downtown Indianapolis; and

WHEREAS, the YMCA of Greater Indianapolis has grown to 11 branches, with more than 120 program sites, and is the largest provider of school-age child care in Indiana, providing before and after school programs for 123 schools from 19 school districts at 76 sites; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the 150th Anniversary of the YMCA of Greater Indianapolis, who served more than 140,000 individuals last year.

SECTION 2. The Council extends its appreciation and gratitude to the board, staff and volunteers of the YMCA for their dedication in “building strong kids, strong families, and strong communities” and wishes them many added years of success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 595, 2004. The proposal, sponsored by Councillors Langsford, Plowman and Boyd, recognizes AES Corporation's generous donation to the Indianapolis Parks Foundation, helping in the cause to increase parkland on the southeast side of Indianapolis. Councillor Langsford read the proposal and presented Ann Mertlow, Chief Executive Officer of Indianapolis Power and Light Company (IPALCO), with a copy of the document and a Council pin. Ms. Mertlow thanked the Council for the recognition. Councillor Langsford moved, seconded by Councillor Talley, for adoption. Proposal No. 595, 2004 was adopted by a unanimous voice vote.

Proposal No. 595, 2004 was retitled SPECIAL RESOLUTION NO. 38, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2004

A SPECIAL RESOLUTION recognizing AES Corporation's generous donation to the Indianapolis Parks Foundation, helping in the cause to increase parkland on the southeast side of Indianapolis.

WHEREAS, the one million dollar gift, which is the largest donation in the park foundation's history, will be used to purchase a former 23-acre campground in Franklin Township and 40 acres in Warren township for park-related purposes; and

WHEREAS, the Franklin property, once Acton Campground until the inn and cottages were destroyed by fire in 1905, will be mostly preserved in its natural state, including the woods and stream, with a possible pavilion for summer concerts; and

WHEREAS, the plans to develop the Warren property include a neighborhood park and soccer complex to replace the current site of the Eastside Soccer Association, whose entrance continues to present a traffic hazard for pedestrians; and

WHEREAS, the Indianapolis Parks Foundation will negotiate to purchase these parcels and immediately deed the property to the city for master plans to be developed; and

WHEREAS, AES Corporation, parent company of Indianapolis Power & Light, wanted to “make a contribution and become a part of the community” and has allowed the city the opportunity to develop prime land for community use that they would otherwise not be able to afford; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes AES Corporation and their generous donation to the Indianapolis Parks Foundation.

SECTION 2. The Council extends its appreciation and gratitude to the AES Corporation and other corporate citizens for the difference they make in the community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 596, 2004. The proposal, sponsored by Councillor Borst, honors Purdue University's Gene Keady. Councillor Borst stated that this resolution will be presented at a later date to Coach Keady. He read the proposal and moved, seconded by Councillor Cockrum, for adoption. Proposal No. 596, 2004 was adopted by a unanimous voice vote.

Proposal No. 596, 2004 was retitled SPECIAL RESOLUTION NO. 39, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2004

A SPECIAL RESOLUTION honoring Purdue University's Gene Keady.

WHEREAS Gene Keady, a former president of the National Association of Basketball Coaches, a member of several basketball Halls of Fame, and one of the nation's most respected basketball coaches, will lead the Boilermakers for his 25th and final year; and

WHEREAS Coach Keady is Purdue's all-time winningest coach, the Big Ten's second most winning coach, has six Big Ten Championships, a record seven Big Ten Coach of the Year, and six times was named National Coach of the Year; and

WHEREAS, internationally, Gene Keady has helped the United States win three gold medals, a silver, and a bronze with 40-2 record in the Olympics, the Pan American Games, the World University Games, and the Jones Cup; and

WHEREAS, most importantly, Gene is known as a coach who brought the most and best out of his players, is revered and respected by his current and former players, graduated 90% of the seniors, and is known for referring to and creating Purdue basketball as a family; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1: The Indianapolis City-County Council congratulates and thanks Coach Gene Keady for being a great example, for molding men for life, providing winning and entertaining basketball, and representing our state and Purdue with class and distinction.

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SECTION 2: The Council wishes Gene and Pat all the best in their final Purdue season and into the future beyond.

SECTION 3: The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4: This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 597, 2004. The proposal, sponsored by Councillor Talley, recognizes the First Annual OASIS 5K Wellness Walk on Saturday, October 23, 2004. Councillor Talley read the proposal and presented Kim Zehr, director, with a copy of the document and a Council pin. Ms. Zehr thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Sanders, for adoption. Proposal No. 597, 2004 was adopted by a unanimous voice vote.

Proposal No. 597, 2004 was retitled SPECIAL RESOLUTION NO. 40, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2004

A SPECIAL RESOLUTION recognizing the First Annual OASIS 5K Wellness Walk on Saturday, October 23, 2004.

WHEREAS, OASIS is a national nonprofit educational organization, with centers in 26 cities, dedicated to enriching the lives of mature adults by offering challenging programs in arts, music, health, technology, as well as creating opportunities for volunteer community service involvement, with more than 800 local members donating in excess of 60,000 hours of volunteer time in the Indianapolis community; and

WHEREAS, the Indianapolis OASIS began in 1990 and now has more than 24,000 members with centers in Washington Square, Glendale, Speedway and Greenwood providing more than 1,500 educational programs and special events a year; and

WHEREAS, Indianapolis OASIS received a grant from the Methodist Hospital Task Core to promote health and wellness for adults 55 and over, which will be used to help sponsor the First Annual OASIS 5K Wellness Walk; and

WHEREAS, the wellness walk, "Healthy Steps to Aging" will take place at Hinkle Fieldhouse on Butler University's campus on Saturday, October 23, 2004 and is sponsored by Methodist Hospital, Clarian Health, and L.S. Ayres; and

WHEREAS, former newscaster Barbara Boyd, will kick off the race sharing on the importance of staying active and involvement in the community; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Indianapolis OASIS organization and their First Annual 5K Wellness Walk, "Healthy Steps to Aging."

SECTION 2. The Council extends its appreciation to OASIS for their involvement in the community and wishes them continued success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 598, 2004. The proposal, sponsored by Councillors Brown and Gray, recognizes Cathy Gilbert and Tim Moore for their efforts to increase fire safety in the Indianapolis community. Councillor Gray read the proposal and presented Ms. Gilbert and Mr.

Moore with copies of the document and Council pins. Ms. Gilbert, Mr. Moore, and IFD Chief James Greeson thanked the Council for the recognition. Councillor Gray moved, seconded by Councillor Brown, for adoption. Proposal No. 598, 2004 was adopted by a unanimous voice vote.

Proposal No. 598, 2004 was retitled SPECIAL RESOLUTION NO. 41, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2004

A SPECIAL RESOLUTION recognizing Cathy Gilbert and Tim Moore for their efforts to increase fire safety in the Indianapolis community.

WHEREAS, Cathy Gilbert and Tim Moore, with the support and encouragement of their employers, helped to organize and implement crucial fire safety programs in the community and schools along with the Indianapolis Fire Prevention Bureau, the Indianapolis Fire Department, and other community agencies; and

WHEREAS, Gilbert, an agency field executive working on behalf of the Indianapolis Fire Department's four-year community sponsor State Farm Insurance, organized the "Fire Safety Olympics Program," donating funds, smoke detectors, and staff to engage over 1,500 children in fire prevention week which focused on fire safety lessons in the Indianapolis Public School system; and

WHEREAS, Moore, a district manager for Lowe's Home Improvement stores, helped to develop a smoke detector give-away program through "Lowe's Heroes," with Lowe's donating tens of thousands of dollars in smoke detectors, carbon monoxide detectors, and flashlights, as well as Lowe's employee volunteers, to homes throughout the Indianapolis Fire District area; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Cathy Gilbert, State Farm Insurance, Tim Moore, and Lowe's Home Improvement for their efforts to increase fire safety in the Indianapolis community.

SECTION 2. The Council extends its appreciation and gratitude to Ms. Gilbert and Mr. Moore and wishes them continued success in these community-outreach programs.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 599, 2004. The proposal, sponsored by Councillor Pfisterer, recognizes the Home Craftsmen Forum. Councillor Pfisterer read the proposal and presented copies of the document and Council pins to representatives. Ken Malloy, a member of the forum, thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 599, 2004 was adopted by a unanimous voice vote.

Proposal No. 599, 2004 was retitled SPECIAL RESOLUTION NO. 42, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2004

A SPECIAL RESOLUTION recognizing the Home Craftsmen Forum.

WHEREAS, the Home Craftsmen Forum was founded in 1948 and is composed of central Indiana woodworkers who use their craft to provide community service, such as making toys or other items for disadvantaged residents in the community; and

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WHEREAS, last year, the forum distributed over 1,600 toys through organizations such as Catholic Social Service, Children's Bureau of Indy, Children in Crisis, Coburn Place, Dayspring Center, Good News Ministries, Holy Family Shelter, Indiana Methodist Home, Julian Center, Lutherwood, Guardian Home, Methodist Children's Hospital, Ronald McDonald House, Salvation Army, and St. Mary's Child Center; and

WHEREAS, members often take on other beneficial projects, such as adapting furniture for children with special needs and providing wooden kits for campers through the Lutheran Disabilities Mission's handicamps; and

WHEREAS, the Forum meets each month at the Center for Agricultural Science and Heritage across from the State Fair Grounds and also has five locations where they gather regularly to make toys in group settings, as well as making toys in their own shops on their own time to be donated; and

WHEREAS, the director of St. Mary's Child Center has accounted how the wooden cell phones donated by the Forum have helped the emotional health of at-risk children by getting them to open up and talk about their concerns; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Home Craftsmen Forum and their willingness to use their skills and craft to help others in the community less fortunate.

SECTION 2. The Council extends its appreciation and gratitude to the Home Craftsmen Forum for their contribution to the children and disadvantaged of the community and wishes them continued growth and success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 600, 2004. The proposal, sponsored by Councillors Cain and Nytes, recognizes the 13th Annual Heartland Film Festival, October 21-29, 2004. Councillor Cain read the proposal and presented Jeff Sparks, president, with a copy of the document and a Council pin. Mr. Sparks thanked the Council for the recognition and invited them to attend the Festival. Councillor Nytes said that one of the films features the Gaunt family here in Indianapolis who adopted nine children. Councillor Cain moved, seconded by Councillor Nytes, for adoption. Proposal No. 600, 2004 was adopted by a unanimous voice vote.

Proposal No. 600, 2004 was retitled SPECIAL RESOLUTION NO. 43, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2004

A SPECIAL RESOLUTION recognizing the 13th Annual Heartland Film Festival, October 21-29, 2004.

WHEREAS, the Heartland Film Festival was established in 1991 to "recognize and honor filmmakers whose work explores the human journey by artistically expressing hope and respect for the positive values of life;" and

WHEREAS, each October over the course of ten days the Heartland has screened films from around the world, ranging from drama to documentaries to animation, lifting up and inspiring audiences and encouraging filmmakers to continue to make films that move and inspire; and

WHEREAS, the Festival awards over \$100,000 in cash prizes, including the Crystal Heart Award which has been awarded in the past to such movie greats as "Schindler's List" and "Mr. Holland's Opus," and the Truly Moving Pictures Award of Excellence, which began in 2000 with "Remember the Titans" as the first recipient; and

WHEREAS, Crystal Heart Career Achievement awards have gone to such legends as Robert Wise, Jimmy Stewart and Maureen O'Hara, with a Jimmy Stewart Memorial Crystal Heart Award being added in 1998 for student filmmakers; and

WHEREAS, this year's Festival will include its usual workshops on filmmaking, as well as screenings of a new film to hit theaters next year "Because of Winn-Dixie;" Award of Excellence recipients "Finding Neverland," "America's Heart and Soul," "and "Miracle;" as well as a sing-along showing of "Mary Poppins" at the Kids' Movie Party; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the 2004 Heartland Film Festival, along with its organizers and participants.

SECTION 2. The Council wishes the Heartland Film Festival continued success with this year's festival and those to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 601, 2004. The proposal, sponsored by Councillor Boyd, recognizes the establishment of the Indianapolis chapter of the OK Program. Councillor Moriarty Adams read the proposal and presented representatives with copies of the document and Council pins. Indianapolis Police Department Detective Al Finnell introduced members of the OK Program. Reverend Mel Jackson thanked the Council for the recognition. Councillor Boyd said that he attended the kick-off program and wishes them much success. Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal No. 601, 2004 was adopted by a unanimous voice vote.

Proposal No. 601, 2004 was retitled SPECIAL RESOLUTION NO. 44, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 2004

A SPECIAL RESOLUTION recognizing the establishment of the Indianapolis chapter of the OK Program.

WHEREAS, the OK (Our Kids) Program was founded to help foster effective partnerships between police agencies, schools, students, and community members to provide positive guidance and support to African American males ages 12 to 18; and

WHEREAS, the primary goal of the program is to reduce the high incarceration rate of these young men by using African American police officers and other adult males to serve as role models to guide them toward positive life choices such as college, military service, and vocational training; and

WHEREAS, on Friday, September 3, 2004, Mayor Bart Peterson, Sheriff Frank Anderson, radio personality and talk show host Tavis Smiley, and Donald Northcross, founder and president of the national OK Program, introduced the Indianapolis chapter to the community; and

WHEREAS, this team mentoring program has received numerous awards, including the Jefferson Award, the U.S. Attorney General's Award for the most effective juvenile delinquency program, and the President's 945th Point of Light Award; and

WHEREAS, the OK Program has served more than 1,400 young men in its 14 years of operation and, as a testament to its success, not one graduate of the program has gone to prison; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. The Indianapolis City-County Council welcomes the newest chapter of the OK Program to Indianapolis.

SECTION 2. The Council extends its congratulations for the new venture and wishes the Indianapolis chapter great success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 602, 2004. The proposal, sponsored by Councillor Boyd, recognizes the service of Rebecca Childers on the Indianapolis Police Citizen's Complaint Board. Councillor Moriarty Adams read the proposal and presented Ms. Childers with a copy of the document and a Council pin. Ms. Childers thanked the Council for the recognition. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 602, 2004 was adopted by a unanimous voice vote.

Proposal No. 602, 2004 was retitled SPECIAL RESOLUTION NO. 45, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2004

A SPECIAL RESOLUTION recognizing the service of Rebecca Childers on the Indianapolis Police Citizen's Complaint Board.

WHEREAS, the Citizen's Complaint board is one of the most significant responses to the citizens of Marion County and was established in 1997 for the purpose of giving citizens added opportunity in filing complaints; and

WHEREAS, the City of Indianapolis has been a part of the vanguard and a model for success across the United States; and

WHEREAS, Rebecca Childers served on this board as a Mayoral appointment for five and a half years, from 1998 to 2003; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Rebecca Childers for her contributions as a member of the Indianapolis Police Citizen's Complaint Board

SECTION 2. The Council extends its appreciation and gratitude to all volunteers like Ms. Childers who donate their time and effort to make Indianapolis a better place to live, and encourages continued active participation by members of the community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 623, 2004. The proposal, sponsored by Councillor Oliver, recognizes the accomplishments of the Mt. Olive Missionary Baptist Church Brotherhood. Councillor Oliver read the proposal and presented representatives with copies of the document and Council pins. Reverend Donald Hudson and Raymond Gates, president of the deacon board, thanked the Council for the recognition. Councillor Oliver moved, seconded by Councillor Gibson, for adoption. Proposal No. 623, 2004 was adopted by a unanimous voice vote.

Proposal No. 623, 2004 was retitled SPECIAL RESOLUTION NO. 46, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2004

A SPECIAL RESOLUTION recognizing the Mount Olive Missionary Baptist Church Brotherhood.

WHEREAS, the purpose of the Brotherhood is to maintain a relationship between adult and young males at Mount Olive Missionary Baptist Church, that promotes a closer communion with God and with each other; and

WHEREAS, the Brotherhood advocates certain practices, principles and ideals and need for special study of God's word in order that Christian life might be moved toward higher goals in a chaotic and troubled world; and

WHEREAS, the Brotherhood, in furtherance of this mission, advocates certain principles, practices and ideals including regard for leadership, respect for the rights of others, the absolute duty of each brother to live a Christian life, temperance, tithing, and the right of every brother to use his talents and the opportunity to develop his faculties; and

WHEREAS, the Brotherhood promotes the principle of religious intelligence that leads the lost to Christ by Bible study with Senior and Junior members, its prison ministry, its elderly home repair ministry, one-on-one mentoring of Mount Olive youth and its support of church youth athletic teams; and

WHEREAS, the City-County Council wishes to recognize the continuing contributions of the Brotherhood, as well as, its president Earther Gordon, 1st Vice president Fred Carter, 2nd Vice President Larry Fort, Recording Secretary Henry Butler, treasurer Willie Cameron, Jr. and its Senior and Junior members for their continuing dedication to this Christian mission; now, therefore :

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Mount Olive Missionary Baptist Church Brotherhood, its president Earther Gordon, 1st Vice president Fred Carter, 2nd Vice President Larry Fort, Recording Secretary Henry Butler, treasurer Willie Cameron, Jr. and its Senior and Junior members .

SECTION 2. The Council extends its appreciation and gratitude to the Missionary Baptist Church Brotherhood and wishes the Brotherhood continued success in future endeavors .

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 425, 2004. The proposal, sponsored by Councillors Bradford and Randolph, recognizes the Vietnamese American community in Indianapolis. Councillor Sanders reported that the proposal was referred to the Rules and Public Policy Committee on July 19, 2004 and was heard in Committee on August 24, 2004. She said that the Council then tabled the proposal on September 13, 2004 until an amendment could be drafted. She moved to amend the proposal and said that the sponsor, Councillor Bradford, is in agreement with the amendment. Councillor Bradford seconded the motion, and Proposal No. 425, 2004 was amended by a unanimous voice vote.

Councillor Borst asked what the difference is in the amendment as he does not see anything different. Councillor Sanders said that the proposal now becomes a Council Resolution if passed instead of a Special Resolution. She said that a Council Resolution does not require the signature or approval of the executive branch official.

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Councillor Bradford read the proposal and presented copies of the document and Council pins to representatives. H.T. Pham thanked the Council for the recognition. Councillor Bradford moved, seconded by Councillor Randolph, for adoption. Proposal No. 425, 2004 was adopted by a unanimous voice vote.

Proposal No. 425, 2004 was retitled COUNCIL RESOLUTION NO. 70, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 2004

A COUNCIL RESOLUTION recognizing the Vietnamese American community in Indianapolis.

WHEREAS, the City of Indianapolis, Indiana, since 1975, has been chosen as home to a growing family of Vietnamese Americans, making cultural and economic contributions to their new community; and

WHEREAS, the Vietnamese Americans who escaped the tyranny of their native land wish to maintain the memory of their Vietnamese heritage through recognition of the Flag of the former Republic of Vietnam, whose design is a symbol of hope and freedom; and

WHEREAS, many Vietnamese Americans who endured decades of hardship in their native land disdain the current internationally recognized Vietnam flag as it represents the present communist government in that country; and

WHEREAS, in remembrance of those Americans and Vietnamese who fought for independence and democracy in that country, the former flag represents the free Vietnamese people now living in Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council acknowledges the contributions of the Vietnamese American community in Indianapolis and supports their right to choose the flag of the former Republic of Vietnam as a symbol of their Vietnamese heritage.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 569, 2004. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers of \$74,700 in the 2004 Budgets of the Department of Executive and Legislative and the Department of Administration for the purpose of paying increased fleet costs and payroll costs associated with a 27th biweekly pay period, and also reducing appropriations in other areas in order to increase the Consolidated County Fund balance by a net amount of \$1,630,600"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 570, 2004. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000,000 in the 2004 Budget of the Office of the City Controller (Redevelopment General Fund) to fund an economic development project at the Indianapolis Maintenance Center (IMC) at the airport, financed by savings related to refunding of the United Airlines bond issue"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 571, 2004. Introduced by Councillors Talley, Abdullah and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase

of \$100,000 in the 2004 Budget of the Department of Metropolitan Development, Division of Administration (Non-Lapsing State Grants Fund), to complete remediation at the former gas station site located at 1402 Dr. Martin Luther King, Jr. Street, financed by a grant from the State of Indiana"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 572, 2004. Introduced by Councillors Talley, Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$796,000 in the 2004 Budget of the Department of Metropolitan Development, Division of Planning (Non-Lapsing Federal Grants Fund), to pay for an Alternative Analysis study to further investigate rapid transit and a Comprehensive Operation Analysis to investigate local transit systems, financed by a grant from the Federal Transit Administration"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 573, 2004. Introduced by Councillors Nytes, Talley, Keller and Oliver. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$949,000 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division (Federal Grants and Redevelopment General Fund), to cover development costs, infrastructure needs, and acquisition of the final properties at Fall Creek Place, financed by a grant from the United States Department of Housing and Urban Development, program income through the use of Community Development Block Grant funds and Redevelopment General Fund balance"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 574, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which approves a decrease of \$352,523 in the 2004 Budget of the Department of Metropolitan Development, Community Development Division, for the purpose of increasing the fund balance in the Solid Waste Collection Fund"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 575, 2004. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces appropriations in the 2004 Budget of the Department of Metropolitan Development by \$633,260 for the purpose of increasing the fund balances of the Consolidated County, City Cumulative Capital Development, Transportation General and Redevelopment General Funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 576, 2004. Introduced by Councillors Pfisterer and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints James Dillard to the Speedway Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 577, 2004. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer \$230,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to cover increased payroll costs associated with a 27th bi-weekly pay period, and also reduces other appropriations to increase the fund balance of the Park General Fund by \$174,190"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 578, 2004. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$928,925 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-

Lapsing Federal Grants Fund and Federal Grants Fund), to cover numerous expenses of the Urban Search and Rescue Task Force such as program management, training, medical screening, ground transport, warehouse renovation costs, canine team support, and equipment acquisition, as well as to cover the deployment costs incurred by Task Force members while serving at the Republican National Convention, financed by a grant from the federal Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 579, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$12,000 and other reductions totaling \$353,000 in the 2004 Budget of the Department of Public Safety to cover increased payroll costs associated with a 27th bi-weekly pay period and to increase the fund balance in the Consolidated County and City Cumulative Capital Development Funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 580, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves a decrease of \$1,475,817 in the 2004 Budget of the Department of Public Safety, Fire Division and Fire Pension Division, for the purpose of increasing the fund balance in the Fire General and Fire Pension Funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 581, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,000 in the 2004 Budget of the Marion County Justice Agency (Law Enforcement Fund) for purposes of the Marion County Justice Agency to cover additional contractual expenses incurred"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 582, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,186 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Character 02 money to Character 04 to purchase a printer for Access Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 583, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$2,181 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer fringes money to regular salaries, due to excess fringes"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 584, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$48,431 in the 2004 budget of the Marion Superior Court (Drug Testing Lab Fund) to fund fringe expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 585, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$400,000 in the 2004 Budget of the Marion Superior Court (County General Fund) to transfer Character 01 money to Characters 02 and 03, to fund food at the Juvenile Center and to fund expenses for the remainder of the year for jurors, psychological evaluations and interpreters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 586, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$15,000 in the 2004 budget of the Marion Superior Court, Juvenile Division (County Grants Fund), to purchase books for Youth Programs, funded by a grant from the Lumina Foundation for Education"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 587, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$757,654 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Juvenile Accountability Block Grant #6 for year 2004/2005, funded by grants from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 588, 2004. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District which approves an increase of \$10,000 in the 2004 Budget of the Department of Public Works, Policy and Planning Division (Solid Waste Collection Fund), to fund the collection, recycling, and proper disposal of computer equipment, financed by a private grant from Dell, Inc."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 589, 2004. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$100,000 in the 2004 Budget of the Department of Public Works, Policy and Planning Division (Non-Lapsing Federal Grants Fund), to retrofit 37 diesel-powered packer trucks and approximately eight off-road vehicles with diesel oxidation catalysts (DOCs), financed by a grant for the Federal Environmental Protection Agency"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 590, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$375,000 in the 2004 Budget of the Department of Public Works (Transportation General Fund) to cover increased overtime caused by weather events, and payroll costs associated with a 27th bi-weekly pay period, and reduces the budget by \$620,850 in order to increase the fund balances of the Consolidated County, Parking Meter and Sanitation Liquid Waste Funds"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 591, 2004. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which approves transfers to pay increased overtime, the 27th pay period for bi-weekly employees, and trash collection contracts costs for the Department of Public Works (Operations Division) funded by a transfer between characters within the Solid Waste Collection Fund"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 592, 2004. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way eastbound traffic restriction for Merrill Street from East Street to Virginia Avenue (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 593, 2004. Introduced by Councillors Boyd and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment

of Melina Maniatis Kennedy as the Deputy Mayor for Economic Development"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 603, 2004, PROPOSAL NO. 604, 2004, PROPOSAL NOS. 605-610, 2004, PROPOSAL NOS. 611-621, 2004, and PROPOSAL NO. 622, 2004. Introduced by Councillor Talley. Proposal Nos. 23-26, 2004, Proposal Nos. 27 and 28, 2004, and Proposal No. 29, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 9, 20, 22, 23, and 27, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 126-145, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 126, 2004.

2004-ZON-057

1447 WEST TROY AVENUE (Approximate Address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #22

LOWELL SMITH, by Theodore L. Giesecking, requests a rezoning of 0.64 acre, being in the D-4 (FF) District, to the C-5 (FF) classification to legally establish commercial uses.

REZONING ORDINANCE NO. 127, 2004.

2004-ZON-827

9545 EAST 16TH STREET (Approximate Address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #18

RON AND ORVAL WEST, by Jerry Wiggins, requests a rezoning of 3.042 acres, being in the D-A District to the D-1 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 128, 2004.

2004-ZON-079

4400 BETHEL AVENUE (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #20

EMERSON REDEVELOPMENT LLC, by Thomas Michael Quinn, requests a rezoning of 4.18 acres, being in the C-S District, to the C-S classification to provide for industrial and commercial uses.

REZONING ORDINANCE NO. 129, 2004.

2004-ZON-084

6024 EAST 10TH STREET and 1005 NORTH ARLINGTON AVENUE (Approximate Addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #17

ARLINGTON SQUARE LLC requests a rezoning of 0.24 acre, being in the D-4 District, to the C-3 classification to legally establish commercial uses and provide for a commercial parking lot.

REZONING ORDINANCE NO. 130, 2004.

2004-ZON-088

7405 MICHIGAN ROAD (Approximate Address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #2

LARRY C. AND VIRGINIA ESTELLE, by Theodore Giesecking, requests a rezoning of 0.25 acre, being in the D-5 District, to the C-3C classification to provide for a single-family dwelling and a retail store.

REZONING ORDINANCE NO. 131, 2004.

2004-ZON-089

554 NORTH ORIENTAL STREET (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

JULIE L. RHODES AND LOREN KYLE HENDRIX request a rezoning of 0.09 acre, being in the I-3-U District, to the D-8 classification to legally establish residential uses.

REZONING ORDINANCE NO. 132, 2004.

2004-ZON-091

537 NORTH COLLEGE AVENUE (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

VENTURE REAL ESTATE, by Thomas Michael Quinn, requests a rezoning of 0.45 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 133, 2004.

2004-ZON-820

6939 and 6943 HOOVER ROAD (Approximate Addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #2

ALBOHRER DEVELOPMENT COMPANY, INCORPORATED, by Joseph D. Calderon, requests a rezoning of 1.10 acres, being in the D-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 134, 2004.

2004-ZON-061

7335 EAST 30TH STREET (Approximate Address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #17

WARREN TOWNSHIP OF MARION COUNTY, INDIANA, by Tricia A. Leminger and Brian C. Bosma, requests a rezoning of 3.77 acres, being in the I-2-S (FF) (FW) District to the SU-9 (FF) (FW) classification, to provide for a fire station and fire department administrative offices.

REZONING ORDINANCE NO. 135, 2004.

2004-ZON-063

2501 NORTH COLLEGE AVENUE (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

OTHAR AND GEORGIA A. POSLEY, by David Kingen, requests a rezoning of 0.10 acre, being in the D-8 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 136, 2004.

2004-ZON-066

16 EAST HENRY STREET (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #19

RE3 LLC, by John Teibel, requests a rezoning of 1.29 acres, being in the I-3-U (RC) and CBD-2 (RC) Districts, to the CBD-2 (RC) classification to provide for commercial and residential uses.

REZONING ORDINANCE NO. 137, 2004.

2004-ZON-070 (2004-DP-004)

4310 NORTH CARROLL ROAD and 11440 and 11717 EAST 42ND STREET (Approximate Addresses), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #18

CP MORGAN COMMUNITIES LP, by Brian J. Tuohy, requests a rezoning of 193 acres, being in the D-A (FF) District to the D-P (FF) classification to provide for 600 single-family dwellings with a density of 3.11 units per acre.

REZONING ORDINANCE NO. 138, 2004.

2004-ZON-072

4500 SOUTH KEYSTONE AVENUE (Approximate Address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #24

DONALD KOSTEN, by Stephen D. Mears, requests a rezoning of 8.22 acres, being in the C-S District, to the C-S classification to provide for the manufacturing and sales facility for Murphy beds with accessory office uses and for I-2-S uses.

REZONING ORDINANCE NO. 139, 2004.

2004-ZON-074

3201 SOUTH LYNHURST DRIVE (Approximate Address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #22

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HERMAN-KITTLE PROPERTIES, by Philip A. Nicely, requests a rezoning of 25.508 acres, being in the DP (FF) (FW) Districts, to the D-6II (FF) (FW) classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 140, 2004.

2004-ZON-075

3400 SOUTH LYNHURST DRIVE (Approximate Address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #22

HERMAN-KITTLE PROPERTIES, INCORPORATED, by Philip A. Nicely, requests a rezoning of 17.803 acres, being in the D-P (FF) (FW) District, to the PK-1 (FF) (FW) classification to provide for a park.

REZONING ORDINANCE NO. 141, 2004.

2004-ZON-085

9501 CORPORATION DRIVE (Approximate Address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #5

FIVE J LLC requests a rezoning of 1.60 acres, being in the I-3-S District, to the C-5 classification to provide for automobile repair and the retail sale of automobile parts.

REZONING ORDINANCE NO. 142, 2004.

2004-ZON-829

621 EAST MARKET STREET (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

EL MILAGRO OF INDIANA, INCORPORATED, by David Kingen, requests a rezoning of 0.47 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to legally establish a food processing facility.

REZONING ORDINANCE NO. 143, 2004.

2004-ZON-831

8102 NORTH SHADELAND AVENUE (Approximate Address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #5

DRURY DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests a rezoning of 4.4144 acres, being in the HD-2 District to the C-6 classification to provide for commercial uses.

REZONING ORDINANCE NO. 144, 2004.

2004-ZON-834 (2004-DP-003)

6622 MIMOSA LANE (Approximate Address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25

JACK L. AND MARSHA F. LAWSON, by David A. Retherford, requests a rezoning of 5.01 acres, being in the D-A District, to the D-P classification to provide for residential development, with a density of 0.40 units per acre.

REZONING ORDINANCE NO. 145, 2004.

2004-ZON-067

7216 US 31 SOUTH (Approximate Address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #23

DECO GROUP, INCORPORATED requests a rezoning of 1.05 acres, being in the D-A District, to the C-1 classification to provide for administrative offices.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 486, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 486, 2004 on September 21, 2004. The proposal, sponsored by Councillor Pfisterer, approves an increase of \$300,000 in the 2004 Budget of the Marion County Recorder (Recorder's Perpetuation Fund) to cover salaries and fringes for the balance of 2004, after returning County General appropriations to the County General Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:37 p.m.

Reverend Pamela Pinkney, citizen, asked why salaries are being increased when there is no change in services offered to the public. She asked what is being recorded that would require such an increase. Councillor Nytes said that the Recorder's Office records all official documents and this appropriation simply replaces their already budgeted salary funds, coming out of another fund, and no salary increases are involved.

There being no further testimony, Councillor Nytes moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 486, 2004 was adopted on the following roll call vote; viz:

24 YEAS: *Abduallah, Bowes, Boyd, Bradford, Brown, Cain, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

3 NOT VOTING: *Borst, Cockrum, Randolph*

2 ABSENT: *Conley, Plowman*

Proposal No. 486, 2004 was retitled FISCAL ORDINANCE NO. 154, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 154, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 113, 2003) appropriating an additional Three Hundred Thousand (\$300,000) in the Recorder's Perpetuation Fund for purposes of the Marion County Recorder and reducing the unappropriated and unencumbered balance in the Recorder's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of covering salaries and fringes for the balance of 2004.

SECTION 2. The sum of Three Hundred Thousand (\$300,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY RECORDER</u>	<u>RECORDER'S PERPETUATION FUND</u>
1. Personal Services	222,000
Fringes	<u>78,000</u>
TOTAL INCREASE	300,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>RECORDER'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Recorder's Perpetuation Fund	<u>300,000</u>
TOTAL REDUCTION	300,000

SECTION 5. The projected December 31, 2004, fund balance for the Recorder's Perpetuation Fund is as follows:

Current cash balance 08-01-04	6,797,117
Anticipated additional revenue through December 31, 2004	<u>1,159,674</u>
Projected funds available	7,956,791

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Remaining appropriations and encumbrances	1,186,105
Proposed additional appropriation	<u>300,000</u>
Funds required	1,486,105
Projected fund balance December 31, 2004	6,470,686

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 502, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 502, 2004 on September 22, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$20,044 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the partial salaries and fringes of five (5) employees for Pathway to Recovery, funded by a grant from New Path for Victims. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:43 p.m.

Rev. Pinkney said that it troubles her that her comments are ignored, and the Council needs to re-think spending more money for a juvenile system that does not work.

Councillor Bradford asked if this is the same Pathways program that is family oriented. Councillor Moriarty Adams said that this is not the same program and this Pathway to Recovery program is geared toward homeless adults.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal No. 502, 2004 was adopted on the following roll call vote; viz:

25 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Speedy, Talley

1 NAY: Schneider

1 NOT VOTING: Randolph

2 ABSENT: Conley, Plowman

Proposal No. 502, 2004 was retitled FISCAL ORDINANCE NO. 155, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 155, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Twenty Thousand Forty-four Dollars (\$20,044) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Justice Agency for the partial salaries and fringes of five (5) employees, Pathway to Recovery.

SECTION 2. The sum of Twenty Thousand Forty-four Dollars (\$20,044) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>20,044</u>
TOTAL INCREASE	20,044

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>20,044</u>
TOTAL REDUCTION	20,044

SECTION 5. Local match of \$5,011 will be paid by Pathway to Recovery.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 503, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 503, 2004 on September 22, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$24,028 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the salaries of two employees, funded by a grant from the Julian Center's Family Growth and Development Project. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:48 p.m.

Rev. Pinkney asked why the Council is giving money to the Julian Center, who do not help those who really need it and discriminate against gender, race, and faith-based individuals. Councillor Bowes said that this is actually a grant from the Julian Center, not to them.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 503, 2004 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
2 ABSENT: Conley, Plowman

Proposal No. 503, 2004 was retitled FISCAL ORDINANCE NO. 156, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 156, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Twenty-four Thousand Twenty-eight Dollars (\$24,028) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

October 4, 2004

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency for the salaries of two employees.

SECTION 2. The sum of Twenty-four Thousand Twenty-eight Dollars (\$24,028) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>24,028</u>
TOTAL INCREASE	24,028

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>24,028</u>
TOTAL REDUCTION	24,028

SECTION 5. Local match of \$6,007 will be paid by the Julian Center.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 537, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 537, 2004 on September 21, 2004. The proposal, sponsored by Councillors Sanders and Talley, approves an increase of \$2,050,000 in the 2004 Budget of the Department of Administration, Indianapolis Fleet Services Division, (Consolidated County Fund) to cover anticipated costs for motor fuels through the end of 2004, financed by fund balance. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:53 p.m.

Rev. Pinkney asked why the Council is feeding into a war on the community that is taking place by supplying more gasoline.

Councillor Schneider said that he thought the Council already appropriated money for the Sheriff's gasoline shortage. Councillor Nytes said that it is due to the way the City and County process gas purchases. Fleet Services has to purchase the gas, and then the Sheriff's Department reimburses them for the amount they spend. Councillor Schneider asked if it will then show up as an internal charge. Councillor Nytes said that this is correct.

There being no further testimony, Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 537, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

2 ABSENT: *Conley, Plowman*

Proposal No. 537, 2004 was retitled FISCAL ORDINANCE NO. 157, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 157, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Two Million and Fifty Thousand Dollars (\$2,050,000) in the Consolidated County Fund for purposes of the Department of Administration, Indianapolis Fleet Services Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Indianapolis Fleet Services Division to cover anticipated costs for motor fuels through the end of 2004, financed by fund balance.

SECTION 2. The sum of Two Million and Fifty Thousand Dollars (\$2,050,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u> <u>INDIANAPOLIS FLEET SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	<u>2,050,000</u>
TOTAL INCREASE	2,050,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>2,050,000</u>
TOTAL REDUCTION	2,050,000

SECTION 5. The projected December 31, 2004, fund balance for the Consolidated County Fund is as follows:

Actual cash balance as of June 30, 2004	38,116,638
Estimated remaining revenues 2004	<u>25,447,749</u>
Projected funds available	64,564,387
2004 remaining appropriations	33,649,753
Proposed reduction appropriation (this proposal)	<u>2,050,000</u>
Total Requirements	35,699,753
Projected fund balance December 31, 2004	28,864,634

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 540, 542, and 543, 2004 on September 22, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 540, 2004. . The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$1,000 in the 2004 Budget of the Marion County Sheriff's Department (County Grants Fund) to purchase Seeker hand-held metal detectors, funded by a grant from the Wal-Mart Foundation. PROPOSAL NO. 542, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$53,854 in the 2004 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to transfer excess fringes to cover salary expense, previous grant from Bureau of Justice Assistance, U.S. Department of Justice. PROPOSAL NO. 543, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$2,189 in the 2004 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to purchase supplies, software and computer with excess fringes and Character 03 funds for Conflict Resolution Program, funded by a previous grant from Executive Office of Weed and Seed, U.S. Department of Justice. By 4-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 9:00 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 540, 542, and 543, 2004 were adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 ABSENT: Conley, Plowman

Proposal No. 540, 2004 was retitled FISCAL ORDINANCE NO. 158, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 158, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional One Thousand Dollars (\$1,000) in the County Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to purchase Seeker hand held metal detectors.

SECTION 2. The sum of One Thousand Dollars (\$1,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	<u>1,000</u>
TOTAL INCREASE	1,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>1,000</u>
TOTAL REDUCTION	1,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 542, 2004 was retitled FISCAL ORDINANCE NO. 159, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 159, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Fifty-three Thousand Eight Hundred Fifty-four Dollars (\$53,854) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to transfer excess fringes to cover salaries.

SECTION 2. The sum of additional Fifty-three Thousand Eight Hundred Fifty-four Dollars (\$53,854) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>53,854</u>
TOTAL INCREASE	53,854

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	<u>53,854</u>
TOTAL DECREASE	53,854

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 543, 2004 was retitled FISCAL ORDINANCE NO. 160, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 160, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Two Thousand One Hundred Eighty-nine Dollars (\$2,189) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

October 4, 2004

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to purchase supplies, software and computer with excess fringe and Character 03 funds for Conflict Resolution Program.

SECTION 2. The sum of additional Two Thousand One Hundred Eighty-nine Dollars (\$2,189) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	689
4. Capital Outlay	<u>1,500</u>
TOTAL INCREASE	2,189

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	1,500
3. Other Services and Charges	<u>689</u>
TOTAL DECREASE	2,189

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 401, 2004. In Councillor Conley's absence, Councillor Moriarty Adams reported that the Public Works Committee heard Proposal No. 401, 2004 on September 23, 2004. The proposal, sponsored by Councillor Bradford, authorizes a taxi zone on Broad Ripple Avenue near Carrollton Avenue (District 3). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Bradford, for adoption. Proposal No. 401, 2004 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
1 NAY: *Gray*
2 ABSENT: *Conley, Plowman*

Proposal No. 401, 2004 was retitled GENERAL ORDINANCE NO. 96, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to authorize a taxicab or limousine stand at a certain location.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 621-403 of the "Revised Code of the Consolidated City and County," regarding taxicab stands, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 621-403. Taxicab stands.

(a) Stands or zones for taxicabs may be established by resolution of the board of public works upon compliance with the procedures of section 621-401 for passenger and materials loading zones.

(b) Between the hours of 6:00 a.m. and 10:00 p.m., it shall be unlawful for any vehicle; other than a licensed taxicab in service and attended, and except as provided in subsection (c) of this section, to park or stop in a designated and posted taxicab stand.

(c) Between the hours of 9:00 p.m. on Thursday, Friday and Saturday and 4:00 a.m. on the following morning, it shall be unlawful for any vehicle, other than a licensed taxicab or licensed limousine in service and attended, to park or stop in a designated and posted taxicab stand designated as follows:

Broad Ripple Avenue, on the north side, from
a point 10 feet east of Carrollton Avenue,
to a point 373 feet east of Carrollton Avenue.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Nytes reported that the Administration and Finance Committee heard Proposal Nos. 481, 482, and 536, 2004 on September 21, 2004. She asked for consent to vote on these proposals together as they are all routine public purpose grants. Consent was given.

PROPOSAL NO. 481, 2004. The proposal, sponsored by Councillors Nytes and McWhirter, approves a public purpose grant to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), on the educational access cable channels. PROPOSAL NO. 482, 2004. The proposal, sponsored by Councillors Nytes and McWhirter, approves a public purpose grant to Indiana Reading and Information Service (IRIS) to provide radio reading programs for the blind and print-disabled in Marion County. PROPOSAL NO. 536, 2004. The proposal, sponsored by Councillors Nytes and McWhirter, approves a public purpose grant (Cable Communications Agency) to Indiana University in the amount of \$50,000 for the purpose of financing educational access programming. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Nytes moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 481, 482, and 536, 2004 were adopted on the following roll call vote; viz:

27 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 ABSENT: Conley, Plowman

Proposal No. 481, 2004 was retitled SPECIAL RESOLUTION NO. 47, 2004, and reads as follows:

October 4, 2004

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2004

PROPOSAL FOR A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$62,000.00 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on June 21, 2004, 2004, the Board approved Indiana University's request for \$62,000.00 from the Fund to purchase equipment to be used by Indiana University, in cooperation with the ETC, a voluntary consortium of area school districts, colleges, and universities, to support newer programming delivery formats, purchase a new router, purchase AVID upgrades, and enhance mobile edit capabilities on the educational access channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, Section 181-703 of the Revised Code of the Consolidated City of Indianapolis - Marion County requires that all public purpose grants shall be subject to appropriation by the City-County Council; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$62,000.00 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, the Council now finds that the Grant should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$62,000.00 to Indiana University for the purpose of purchasing equipment to be used to support newer programming delivery formats, purchase a new router, purchase AVID upgrades, and enhance mobile edit capabilities on the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 482, 2004 was retitled SPECIAL RESOLUTION NO. 48, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2004

PROPOSAL FOR A SPECIAL RESOLUTION approving a public purpose grant to Indiana Reading and Information Service (IRIS), a division of Metropolitan Indianapolis Public Broadcasting, Inc., in the amount of \$35,000.00 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$35,000.00 to IRIS to provide radio reading programs for the blind and print-disabled in Marion County, Indiana (the Grant); and

WHEREAS, Section 181-703 of the Revised Code of the Consolidated City of Indianapolis - Marion County requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 112, 2003, Annual Budget and Tax Levies for the Consolidated City of Indianapolis - Marion County; and

WHEREAS, Section 4(c) of Fiscal Ordinance No. 112, 2003, Annual Budget and Tax Levies for the Consolidated City of Indianapolis - Marion County requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis - Marion County approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$35,000.00 to Indiana Reading and Information Services, a division of Metropolitan Indianapolis Public Broadcasting, Inc., is hereby approved. No grant funds shall be used in whole or in part to fund any program that endorses a political candidate or that attempts to promote or influence legislation.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 536, 2004 was retitled SPECIAL RESOLUTION NO. 49, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2004

PROPOSAL FOR A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$50,000.00 for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the Consolidated City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming over the educational access channels of the two franchise cable television systems within Marion County, Indiana (the Grant); and

WHEREAS, Section 181-703 of the Revised Code of the Consolidated City and County requires that all public purpose grants shall be subject to appropriation by the City-County Council; and

WHEREAS, the Grant was appropriated by City-County Fiscal Ordinance No. 112, 2003, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and Marion County, Indiana (the Ordinance); and

WHEREAS, Section 4(c) of the Ordinance requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 485, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 485, 2004 on September 21, 2004. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 5,400 square feet of office space at 5751-5827 West 73rd Street for the use of the Marion County Sheriff's Department. By a 6-0 vote, the Committee reported the proposal to the Council with the

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recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 485, 2004 was adopted on the following roll call vote; viz:

27 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 ABSENT: Conley, Plowman

Proposal No. 485, 2004 was retitled SPECIAL RESOLUTION NO. 50 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2004

A SPECIAL RESOLUTION determining the need to lease approximately 5,400 square feet of office space at 5751-5827 West 73rd St., Indianapolis, IN for the use of the Marion County Sheriff's Department.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7(2), has investigated the conditions requiring the subject lease and hereby determines the lease of office space for use by the Marion County Sheriff's Department is necessary.

SECTION 2. The property to be leased is located at 5751-5827 West 73rd St., Indianapolis, IN and is owned by Duke Realty Limited Partnership, an Indiana limited partnership, whose sole general partner is Duke Realty Corporation, an Indiana corporation. The principal office address for both entities is 600 E. 96th Street, Indianapolis, Indiana 46204.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 535, 2004. Councillor Sanders reported that the Community Affairs Committee heard Proposal No. 535, 2004 on September 28, 2004. The proposal, sponsored by Councillors Boyd, Sanders and Gray, approves a public purpose grant to Noble of Indiana in the amount of \$1,318,856 for the purpose of helping to fund Noble of Indiana for the last quarter of 2004 and for all of 2005. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford asked if this funding is a one-time deal and if everyone, including Noble Industries, understands that. Barbara Lawrence, City Controller, said that it is one appropriation to fund through 2005, and everyone understands that funding for 2006 is not guaranteed and will have to be researched. Councillor McWhirter asked if this was not already passed as part of the budget. Councillor Sanders said that it was not and Noble funds were cut out of the County budget.

Councillor Gibson commended the Mayor and the Controller for finding the funds for Noble. Councillor Cain agreed and said that Noble does so much for the community. Councillor Bradford said that he hopes next year, a funding solution can be found early so that Noble representatives do not have to keep attending meetings to plead their case. He asked that the Controller and Auditor to work together to find a solution. President Boyd reminded the Council that the County also owes \$51 million to the Department of Correction and there are many funding issues that need to be addressed.

Councillor Sanders moved, seconded by Councillor Gray, for adoption. Proposal No. 535, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

2 ABSENT: *Conley, Plowman*

Proposal No. 535, 2004 was retitled SPECIAL RESOLUTION NO. 51, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2004

PROPOSAL FOR A SPECIAL RESOLUTION approving a public purpose grant to Noble of Indiana in the amount of \$1,318,856 for the purpose of helping to fund Noble of Indiana for the last three months of 2004 and for all of 2005.

WHEREAS, Noble of Indiana is a local not-for-profit agency that serves children and adults with developmental disabilities, like mental retardation and autism, and provides early intervention therapies for infants and toddlers, transition services for graduating high school students, and employment and day services for adults with developmental disabilities; and

WHEREAS, Noble of Indiana typically receives public purpose grants each year from Marion County; however, due to a fiscal crisis, funding from the county for the 4th quarter of 2004 and all of 2005 was cut from the county budgets; and

WHEREAS, there are available funds within the 2004 budget of the office of the city controller, and the controller proposes to authorize a public purpose grant in the amount of \$1,318,856 to help fund Noble of Indiana for the last three months of 2004 and for all of 2005; and

WHEREAS, in compliance with Section 181-703 of the Revised Code of the Consolidated City and County, the funds sought to be used for this public purpose grant were appropriated in city-county F. O. No. 112, 2003, and pursuant to Section 4.01(c) of that fiscal ordinance these funds shall not be spent until the council by resolution approves the amount and identity of the recipient; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$1,318,856 to Noble of Indiana, for the purpose of providing services to individuals who are developmentally disabled, hereby is approved.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 541 and 544, 2004 on September 22, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 541, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$1,739 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to purchase equipment, funded by a previous grant from Indiana Criminal Justice Institute. PROPOSAL NO. 544, 2004. The proposal, sponsored by Councillors Moriarty Adams, Franklin and Langsford, amends the Code with regards to general provisions for animals, including animals at large, confinement of dangerous animals, vaccinations, impoundment and disposition of animals. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Mansfield asked if animals are required to be scanned when they are picked up. Jeff Bennett, administrator of Animal Care and Control (ACC), said that it is not required by ordinance, but ACC's practice is to scan at least six times during an animal's stay. He said that the ordinance does require that before the animal is reclaimed, it must be micro-chipped. Councillor Mansfield asked what happens if the owner is on vacation and how the six-day limit will affect their animal. Mr. Bennett said that a responsible pet owner would have another person responsible for their animal and this would probably not be an issue. He said that the average length of an animal's stay is less than three days.

Councillor Bowes said that he toured the facility and encouraged all citizens to be responsible pet owners. He said that the micro-chip program is a great benefit for pet owners.

Councillor Bradford asked how many people a year do not pick up their animal until the fifth or sixth day. Mr. Bennett said that more than 95% of the animals are picked up or adopted and the average from January through May of this year of an animal's length of stay has been 2.9 days. The national average is approximately four to five days. He said that there has been unanimous support for the ordinance from the public and the ACC Board. Councillor Bradford said that he believes the six-day period is too short, and he will vote against.

Councillor Bowes said that if there is space in the shelter, animals are held longer than six days as space allows until an adoption is available.

Councillor Talley said that he will support the proposal, but it is a tough decision, as he has some of the same concerns as Councillor Bradford.

Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 541 and 544, 2004 were adopted on the following roll call vote; viz:

23 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Speedy, Talley

4 NAYS: Bradford, Cain, Mansfield, Schneider

2 ABSENT: Conley, Plowman

Proposal No. 541, 2004 was retitled FISCAL ORDINANCE NO. 161, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 161, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional One Thousand Seven Hundred Thirty-nine Dollars (\$1,739) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) Of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to transfer between characters to purchase equipment..

SECTION 2. The sum of One Thousand Seven Hundred Thirty-nine Dollars (\$1,739) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>1,739</u>
TOTAL INCREASE	1,739

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>1,739</u>
TOTAL DECREASE	1,739

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 544, 2004 was retitled GENERAL ORDINANCE NO. 97, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to specify a minimum fine for a second offense of allowing an animal to run at large, to clarify an owner's or keeper's duty to confine and restrain dangerous animals, to delete the requirement that veterinarians send a monthly report to the city, to reduce from six days to four days the impoundment period for animals whose owners are not known, to increase the fee for adoption of impounded animals, and to delete an expiration date for Chapter 531 contained in G. O. No. 30, 1998.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 531-102 of the "Revised Code of the Consolidated City and County," regarding animals at large prohibited, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-102. Animals at large prohibited; penalties.

(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.

(b) Except as provided in subsection (c) of this section, ~~The first violation in any twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau as provided in Article III of Chapter 103 of this Code, and All second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in section 103-3 of the Code and a fine of not less than one hundred dollars (\$100.00).~~

(c) If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property, it:

(1) Attacks another animal; or

(2) Chases or approaches a person in a menacing fashion or apparent attitude of attack;

then the violation shall be subject to the enforcement procedures and penalties provided in Section 103-3 of the Code, and the fine imposed shall not be less than two hundred and fifty dollars (\$250.00), or five hundred dollars (\$500.00) if another animal or person is injured as a result of the animal's actions.

SECTION 2. Chapter 531, Article I, of the "Revised Code of the Consolidated City and County," regarding general provisions regarding animals, hereby is amended by the addition of a NEW Section 531-109, to read as follows:

Sec. 531-109. Owner responsibility for animal attacks.

(a) It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack. For purposes of this section, *provoke*

means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

(b) It shall be a defense to prosecution under this section if:

- (1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or
- (2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

SECTION 3. Section 531-205 of the "Revised Code of the Consolidated City and County," regarding confinement of vicious, fierce or dangerous animals, hereby is REPEALED.

SECTION 4. Section 531-302 of the "Revised Code of the Consolidated City and County," regarding the record of antirabies vaccinations of dogs and cats, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-302. Record of antirabies vaccinations; tag required.

(a) A veterinarian who administers an antirabies vaccination in the city shall: ~~(1) At the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and identification number of the vaccination; and~~

~~(2) At an interval of not less than once each month, send to the animal care and control division a list of the number of dogs, cats, and other animals the veterinarian has vaccinated against rabies.~~

(b) For the purpose of identification, each owner of a dog or cat which is kept in the city shall cause the antirabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

SECTION 5. Section 531-725 of the "Revised Code of the Consolidated City and County," regarding the return of impounded animals to their owners, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-725. Return of impounded animal to its owner.

(a) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of ~~this division~~ 2 and division 3 of this article.

(b) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the board may impose, and the payment of the appropriate impoundment and kennel fees, and any other applicable fees and fines.

(c) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by section 531-202 of this Code, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such service shall be ten dollars (\$10.00).

SECTION 6. Chapter 531, Article VII, Division 2, of the "Revised Code of the Consolidated City and County," regarding impoundment and disposition of animals, hereby is amended by the addition of a NEW Section 531-727 to read as follows:

Sec. 531-727. Petition for bond to cover costs of impoundment and care; forfeiture of animal.

(a) *Petition.* Whenever an animal is impounded under this article for a violation of section 531-109, 531-204, or 531-305, a violation of article IV of this chapter, or has been impounded on two (2) or more prior occasions, and the city prosecutor has applied for an order under section 531-733, the city prosecutor may file

a petition with the court having jurisdiction over the ordinance enforcement action; requesting an order to require the owner to post a cash bond to cover the fees and costs of the animal's care. The petition shall include an itemized estimate of the reasonable expenses the animal care and control division expects to incur for the care of the animal from the time of impoundment to a minimum of thirty (30) days thereafter. Such expenses shall include but are not limited to the impoundment fee and kennel fees provided in section 531-726 of the Code, and the estimated cost of emergency and routine veterinary care.

(b) *Hearing and order.* The court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision on the city prosecutor's petition. If the court finds there is a reasonable likelihood that the city will prevail on the merits of the ordinance enforcement action, then the court shall order the owner to post a cash bond as provided in this section to cover the fees and other costs of care of the animal for a specific period of time of not less than thirty (30) days beginning on the date of impoundment.

(c) *Posting of bond; time requirements.* The owner shall post the bond by delivering cash or a certified or cashier's check payable to "City of Indianapolis" to the animal care and control division. The cash or check must be received by the animal care and control division within three (3) days after the date of the court's order, excluding Saturdays, Sundays, and city holidays established in section 291-206 of the Code. The animal care and control division shall hold such check or cash in trust until forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs.

(d) *Renewal bonds.* The animal's owner shall renew the bond at the end of the period of time ordered by the court, and every thirty (30) days thereafter, in the same manner as posting the bond provided in subsection (c) of this section. The owner's duty to renew the bond shall continue until forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs. The owner shall pay the renewal bond before the close of business on the last day of each bond period; however, if such last day is a Saturday, Sunday, or city holiday established in section 291-206 of the Code, then the renewal bond shall be paid on the last business day prior to such Saturday, Sunday, or holiday.

(e) *Forfeiture.* If an owner fails to post a bond within three (3) days as provided by subsection (c) of this section, or fails to pay a renewal bond before the close of business on the last day of each bond period as provided by subsection (d) of this section, then the owner shall be presumed to have surrendered all rights and claim of ownership and control of the animal and the city prosecutor may petition the court for an order to dispose of the animal under the provisions of section 531-731 of the Code.

(f) *Expiration of bond.* Upon forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs, the animal care and control division shall be entitled to draw upon the cash or certified or cashier's check to cover the animal's impoundment fee, kennel fees and the cost of any actual veterinary care. After the fees and costs are paid, the city shall promptly remit any remaining bond money to the owner; however, if the bond money is not sufficient to cover such fees and costs, the owner shall be liable to the city for the difference.

SECTION 7. Section 531-731 of the "Revised Code of the Consolidated City and County," regarding disposition of unclaimed animals by the animal control division, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-731. Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.

(a) An animal surrendered by its owner ~~under this~~ to the animal care and control division and not reclaimed by its owner, adopted, or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. No owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(b) An animal impounded under this ~~division~~ article and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than ~~six (6)~~ four (4) days. An animal not claimed within the ~~six~~ four-day impoundment period may be kept, adopted, rescued by a humane or breed rescue organization or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale

and destruction of animals. Even after the expiration of the ~~six~~ four-day impoundment period, no animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(c) Following the ~~six~~ four-day impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. It is declared that the adoption of as many animals as possible is a priority of the animal care and control shelter. Such person wishing to adopt an animal from the animal care and control shelter shall pay to the city an adoption fee of ~~thirty-five dollars (\$35.00)~~ fifty dollars (\$50.00) to cover the enforcement authority's expenses, including the expense of vaccinations; however, with respect to a dog or cat which does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be ~~forty-five dollars (\$45.00)~~ sixty dollars (\$60.00).

(d) A person who wishes to adopt a dog or cat ~~which that~~ which has been impounded under this ~~division~~ article or is otherwise available for adoption, and that has not been spayed or neutered, must meet the adoption and sterilization criteria adopted by the animal care and control board, and first shall agree in writing to have the animal spayed or neutered at that person's expense. Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of this Code.

SECTION 8. Sections 531-733 through 531-736 of the "Revised Code of the Consolidated City and County," inclusive, regarding the restrictions on return of certain animals to their owners, the disposition of injured or diseased animals, and the disposition of animals by the Indianapolis Humane Society, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-733. Restrictions on return of certain animals.

(a) Notwithstanding any other provision of this chapter, an animal which has been impounded under this article for a violation of section ~~531-109~~, 531-204, ~~531-205~~, or 531-305, or ~~531-401~~ a violation of article IV, of this chapter, or which has been impounded on two (2) or more prior occasions, shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of these sections.

(b) If such a determination cannot be made, the enforcement authority then shall apply to a court of competent jurisdiction for an order to dispose of the animal under the provisions of section 531-731 of this article.

Sec. 531-734. Injured or diseased animals.

Notwithstanding any provision of this article to the contrary, an injured or diseased animal need not be retained ~~six (6)~~ four (4) days, but may be disposed of at any time when in the reasonable discretion of the enforcement authority, it would be more humane and reasonable to do so, rather than provide veterinary care.

Sec. 531-735. Contracts for the disposition of owner-surrendered and impounded animals.

The city may contract, arrange or agree for the disposition of an animal ~~that was~~ that surrendered by its owner, or impounded, and ~~that was~~ that unclaimed for longer than ~~six (6)~~ four (4) days, and an animal transferred to a person so contracting, arranging or agreeing with the city shall thereafter be the property solely of the contractor. The contract, arrangement or agreement may provide for the retention by the contractor of any funds received in payment for animals sold to other persons, in order to help cover such contractor's expenses of rendering its services.

Sec. 531-736. Capture, holding and maintenance, and disposition of animals by the humane society.

(a) The ~~Indianapolis~~ Humane Society of Indianapolis, Inc., by its duly authorized agents, employees or other personnel, shall have the authority to proceed to the scene or location of a diseased, sick or injured animal which is at large in the county after being requested to do so by any member of the general public for the purposes of capturing and transporting such animal to its duly established humane shelter, and to hold and properly maintain the animal until it is either claimed by its owner, or in the discretion of the humane society, otherwise properly disposed of. The humane society may also receive

an animal brought to its shelter by members of the general public or proper governmental personnel and either keep, or in the discretion of the humane society, otherwise humanely dispose of such animal.

(b) Upon the capture of any diseased, sick or injured animal or taking of an animal brought to its shelter by a person or any local governmental personnel, the humane society personnel shall make a reasonable attempt to notify and inform the owner of the animal of the requirements and procedures for claiming ownership and regaining custody thereof.

(c) When the owner of a captured or held animal is discovered or known, the animal shall be returned to the owner upon the payment of any applicable fees or upon the compliance with all other applicable procedures of the humane society. If the owner does not claim an animal or desires not to claim it, the humane society, within its discretion, may return the animal to any person desiring to assume ownership, custody and care thereof in conformance with the established requirements of the humane society after a ~~six~~ four (4)-day holding period, as long as the animal has or will receive a current antirabies vaccination under the provisions of Article III of this chapter.

(d) Upon the capture of any diseased, sick or injured animal or the taking of an animal brought to its shelter by any person or any local governmental personnel, the humane society shall, subject to the provisions of subsection (e) of this section, confine the animal in a humane manner for a period of not less than ~~six (6)~~ four (4) days. Thereafter, the humane society in its discretion may keep, release or otherwise humanely dispose of the animal consistent with the established procedures of the humane society as they may be amended from time to time.

(e) Notwithstanding any provision of this section to the contrary, diseased or injured animals need not be retained ~~six (6)~~ four (4) days, but may be humanely disposed of at any time if in the discretion of the proper humane society personnel or authorized veterinarian such disposition is necessary and proper for such animals.

(f) This section does not authorize the humane society to assume any of the impoundment and disposition functions of the animal care and control division as elsewhere specified in this chapter or state law.

(g) Nothing in this section shall inhibit the animal care and control division in any way from carrying out its functions in accordance with applicable law and whatever provisions or regulations the city board of public safety shall make in carrying out its mandate to make provisions to maintain an animal care and control division, to regulate the capture, impoundment, sale and destruction of animals in accordance with applicable law, and for the operation of the animal care and control division.

SECTION 9. The city-county council hereby amends City-County General Ordinance No. 30, 1998, regarding the amendment and recodification of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana" as Chapter 531 of the "Revised Code of the Consolidated City and County," by the deletion of the expiration date of July 1, 2005, contained in SECTION 7 of such General Ordinance.

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

In Councillor Conley's absence, Councillor Moriarty Adams reported that the Public Works Committee heard Proposal Nos. 545-557, 2004 on September 23, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 545, 2004. The proposal, sponsored by Councillor Mansfield, authorizes intersection controls for the Wetherburn subdivision (District 2). PROPOSAL NO. 546, 2004. The proposal, sponsored by Councillor Keller, authorizes a multi-way stop at the intersection of St. Paul Street and Woodlawn Avenue (District 16). PROPOSAL NO. 547, 2004. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at the intersection of 34th Street and Guilford Avenue (District 9). PROPOSAL NO. 548, 2004. The proposal, sponsored by Councillor Cockrum, authorizes intersection controls for Southwinds Court at Murphy's Landing, Sections 1 and 2 (District 22). PROPOSAL NO. 549, 2004. The proposal, sponsored by Councillor Bowes, authorizes intersection controls for Eagle Trace Village, Sections 1A, 1B, 2 and 3 (District 7). PROPOSAL NO. 550, 2004. The proposal, sponsored by Councillor Salisbury, authorizes intersection controls for Salem Creek, Section 1 (District 13). PROPOSAL NO. 551, 2004. The proposal, sponsored by Councillor Salisbury, authorizes intersection controls for Salem Creek, Sections 2, 3 and 4 (District 13). PROPOSAL NO. 552, 2004. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for Burton Crossing, Sections 1 and 2 (District 25). PROPOSAL NO. 553, 2004. The proposal, sponsored by Councillor Salisbury, authorizes intersection controls for Chapelwood Creek (District 13). PROPOSAL NO. 554, 2004. The proposal, sponsored by Councillor Pfisterer, authorizes intersection controls for Cossell Road and Holt Road (District 14). PROPOSAL NO. 555, 2004. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for Independence Square and Victory Drive (District 25). PROPOSAL NO. 556, 2004. The proposal, sponsored by Councillor Abdullah, authorizes a change in parking meters and a bus stop zone on Ohio Street near Illinois Street (District 15). PROPOSAL NO. 557, 2004. The proposal, sponsored by Councillor Gray, authorizes a multi-way stop at the intersection of 49th Street and Graceland Avenue (District 8). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 545-557, 2004 were adopted on the following roll call vote; viz:

27 YEAS: *Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

2 ABSENT: *Conley, Plowman*

Proposal No. 545, 2004 was retitled GENERAL ORDINANCE NO. 98, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
03	Parallel St 75 th St	75 th St	Stop
03	Wortham Way 75 th St	75 th St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 546, 2004 was retitled GENERAL ORDINANCE NO. 99, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	St. Paul St Woodlawn Av	Woodlawn Av	Stop

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	St. Paul St Woodlawn Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 547, 2004 was retitled GENERAL ORDINANCE NO. 100, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	34 th St Guilford Av	34 th St	Stop

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	34 th St Guilford Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 548, 2004 was retitled GENERAL ORDINANCE NO. 101, 2004, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 101, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
45	Briar Meadow Ct Tassel Meadow Dr	Tassel Meadow Dr	Stop
45	Galway Ct Moriarty Dr	Moriarty Dr	Stop
45	Harding St Kincannon Ln	Harding St	Stop
45	Killimer Ct Moriarty Dr	Moriarty Dr	Stop
45	Kincannon Ln Moriarty Dr	Kincannon Ln	Stop
45	Moriarty Dr Southport Rd	Southport Rd	Stop
45	Moriarty Dr Quinlan Ct	Moriarty Dr	Stop
45	Southport Rd Tassel Meadow Dr	Southport Rd	Stop
45	Summer Meadow Ct Tassel Meadow Dr	Tassel Meadow Dr	Stop
45	Tassel Meadow Dr Quinlan Ct	Tassel Meadow Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 549, 2004 was retitled GENERAL ORDINANCE NO. 102, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Guion Rd Village Trace Blvd	Guion Rd	Stop
16	Trace Edge Ln Village Bend Dr	Trace Edge Ln	Stop

16	Trace Edge Ln Village Bend Ln	Village Bend Ln	Stop
16	Trace Wood Dr Village Bend Ln	Trace Wood Dr	Stop
16	Village Bend Ct Village Bend Ln	Village Bend Ln	Stop
16	Village Bend Dr Village Trace Blvd	Village Trace Blvd	Stop
16	Village Bend Ln Village Trace Blvd	Village Bend Ln	Stop
16	Village Trace Blvd Village Trace Ct	Village Trace Blvd	Stop
16	Village Trace Blvd Village Trace Dr	None	All Way Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 550, 2004 was retitled GENERAL ORDINANCE NO. 103, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Baritone Ct Salem Creek Blvd	Salem Creek Blvd	Stop
29	Morris St Salem Creek Blvd	Morris St	Stop
29	Salem Creek Blvd Tenor Dr	Salem Creek Blvd	Stop
29	Salem Creek Blvd Tenor Way	Tenor Way	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 551, 2004 was retitled GENERAL ORDINANCE NO. 104, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

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BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Allegro Dr Composer Way	Composer Way	Stop
29	Composer Way Symphony Way	Symphony Way	Stop
29	Concert Way Orchestra Way	Concert Way	Stop
29	Concert Way Symphony Pl	Concert Way	Stop
29	Raceway Rd Symphony Way	Raceway Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 552, 2004 was retitled GENERAL ORDINANCE NO. 105, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Bonneville Way Fiesta St	Bonneville Way	Stop
41	Edgewood Av Thompson Park Blvd	Edgewood Av	Stop
41	Fiesta St Thompson Park Blvd	Thompson Park Blvd	Stop
41	Packard Ln Safari Dr	None	All Way Stop
41	Packard Ln Tempest Dr	Packard Ln	Stop
41	Packard Ln Thompson Park Blvd	None	All Way Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 553, 2004 was retitled GENERAL ORDINANCE NO. 106, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Girls School Rd Rolling Hills Dr	None	Signal
22	Rolling Hills Ct Rolling Hills Dr	Rolling Hills Dr	Stop
22	Rolling Hills Dr Topp Creek Dr	Topp Creek Dr	Stop
22	Topp Creek Ct Topp Creek Dr	Topp Creek Dr	Stop

Proposal No. 554, 2004 was retitled GENERAL ORDINANCE NO. 107, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
23	Cossell Rd Holt Rd	Holt Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 555, 2004 was retitled GENERAL ORDINANCE NO. 108, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Independence Sq Victory Dr	Victory Dr	Stop

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SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 556, 2004 was retitled GENERAL ORDINANCE NO. 109, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated; Sec. 621-402, Bus stop and trolley stop zones; and Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

2 HOUR METERS

Ohio Street, on the south side, from Capitol Avenue to Illinois Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Ohio Street, on the south side, from a point 122 feet east of Capitol Avenue,
to a point 228 feet east of Capitol Avenue

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

2 HOUR METERS

Ohio Street, on the south side, from
Capitol Avenue to a point 250 feet east of Capitol Avenue

SECTION 4. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Ohio Street, on the south side, from
a point 250 feet east of Capitol Avenue,
to a point 351 feet east of Capitol Avenue

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 557, 2004 was retitled GENERAL ORDINANCE NO. 110, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	49 th St Graceland Av	49 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	49 th St Graceland Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Cockrum said that a recent *Indianapolis Star* article gave a glowing report of the Geographical Information System with improved photo quality. President Boyd said that perhaps a presentation on GIS could be provided to the full Council at an upcoming meeting.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Officer James L. Davis; and
- (2) Councillors Cain, Bradford, Schneider in memory of Marian Blowers; and
- (3) Councillor Boyd in memory of Elizabeth Hudnut and Vernice Galloway; and
- (4) Councillor Sanders in memory of Carolyn Goldberg; and
- (5) Councillors Gray and Boyd in memory of Dorothy Marsh Johnson; and
- (6) Councillors Gray and Langsford in memory of Melvin Clyde Wright, M.D.; and
- (7) Councillors Nytes and Sanders in memory of Mimi Anderson; and
- (8) Councillor Randolph in memory of Lee Ivory Rainey, Sr. and Reverend Orval V. Sutton;
- (9) Councillor Oliver in memory of Dorothy L. Demmings; and
- (10) Councillor Bowes in memory of Father Paul O'Brien.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Officer James L. Davis, Marian Blowers, Elizabeth Hudnut, Vernice Galloway, Carolyn Goldberg, Dorothy Marsh Johnson, Melvin Clyde Wright, M.D., Mimi Anderson, Lee Ivory Rainey, Sr., Reverend Orval V. Sutton, Dorothy L. Demmings, and Father Paul O'Brien. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:35 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion

October 4, 2004

County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 4th day of October, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

